

### **REMARKS**

Reconsideration and allowance of the subject application are respectfully requested. Applicants thank the Examiner for total consideration given the present application. Claims 1-39 were pending prior to the Office Action. No claims have been added and no claims have been canceled through this reply. Therefore, claims 1-39 are pending. Claims 1, 5, 23, 25, 32, 36, and 38 are independent. Applicants respectfully request reconsideration of the rejected claims in light of the remarks presented herein, and earnestly seeks a timely allowance of all pending claims.

#### **Specification Objections**

The specification has been objected to for minor informalities. The specification has been amended as required by the Examiner. Therefore, the objection to the specification should be withdrawn.

#### **Claim Rejection - 35 U.S.C. § 103(a)**

Claims 1, 5, 9, 17-19, 21, 28, 32-33, and 36-38 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Dureau (U.S. Patent Publication No. 2003/0135860 A1) in view of Anderson (U.S. Patent No. 6,005,631). Claims 2-3, 6-7, 10, 23, 25-27, 29-31, 34-35, and 39 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Dureau and Anderson in view of Ludtke et al. (U.S. Patent No. 6,233,611). Claims 12-16 and 20 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Dureau and Anderson in view of Lai et al. (U.S. Patent 6,407,680). Claim 22 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Dureau and Anderson in view of Kamiya et al. (U.S. Patent 6,144,887). Claims 4, 8, and 11 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Dureau, Anderson, Ludtke, and Kamiya. Claim 24 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Dureau, Anderson, Ludtke, Kamiya, and Lai. Applicants respectfully traverse these rejections.

For a Section 103 rejection to be proper, a *prima facie* case of obviousness must be established. *See M.P.E.P. 2142*. One requirement to establish a *prima facie* case of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. *See M.P.E.P. 2142; M.P.E.P. 706.02(j)*. Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

**Argument: Features of claims 1, 5, 23, 25, 32, 36, and 38 are not taught by prior art:**

In independent claim 1, the Examiner cited Dureau and Anderson for the alleged disclosure of “a transmitter/receiver that transmits and receives data to and from the data reception apparatus, wherein the data transmission apparatus receives control data from the data reception apparatus, where the control data includes a start-up request and a shutting-down request.” *Emphasis added.*

The claimed apparatus, in the recited portion above, includes a transmitter receiving a start-up request and a shutting-down request from a receiver.

The Examiner asserts that Dureau’s object 340 corresponds to the claimed data transmission apparatus and Dureau’s sources 13-15 and 18-19 corresponds to the claimed data reception apparatus.

The Examiner cites to lines 12-18 of paragraph 39 of Dureau (see Office Action, page 3, section 7, lines 8-9) stating that Dureau alleges discloses the data transmission apparatus receiving control data from the data reception apparatus. Also, the Examiner cites to lines 21-22 of col. 10 (and object 244 of Figure 10) of Anderson (see Office Action, page 5, lines 14-15) stating that Anderson alleges discloses the data transmission apparatus receiving control data from the data reception apparatus.

However, Dureau does *not* disclose object 340 receiving control data (*i.e.*, a start-up request and a shutting-down request) from sources 13-15 and 18-19 and Anderson merely discloses a transmitter (remote control) having a power key for toggling the ON/OFF state – Anderson’s transmitter sends the toggling command to the receiver, not *vis versa*.

Thus, Dureau and Anderson, individually or in any combination, do *not* disclose a transmitter receiving a start-up request and a shutting-down request from a receiver. Further,

other cited prior art (*i.e.*, Ludtke) do not make up for the deficiencies of the combination of Dureau and Anderson.

Claim 1 is submitted to be allowable over cited prior art for at least this reason.

Independent claims 5, 23, 25, 32, 36, and 38 are allowable for similar reasons as set forth above in reference to independent claim 1.

Dependent claims are allowable for the reasons set forth above with regards to independent claims at least based on their dependency to their corresponding independent claims.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1-39 under 35 U.S.C. § 103(a).

Reconsideration and allowance of claims 1-39 are respectfully requested for at least these reasons.

## **Conclusion**

Therefore, for at least these reasons, all claims are believed to be distinguishable over the combination of Dureau, Anderson, and Ludtke, individually or in any combination. It has been shown above that the cited references, individually or in combination, may not be relied upon to show at least these features. Therefore, claims 1-39 are distinguishable over the cited references.

In view of the above remarks, it is believed that the pending application is in condition for allowance.

Applicants respectfully request that the pending application be allowed.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Aslan Ettehadieh Reg. No. 62,278 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

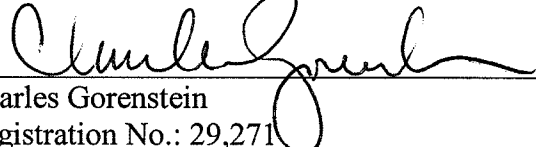
Application No. 10/814,119  
Amendment dated March 11, 2009  
Reply to Office Action of December 12, 2008

Docket No.: 2936-0214PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: March 11, 2009

Respectfully submitted,

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